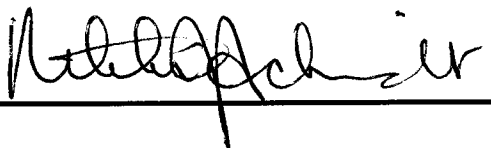
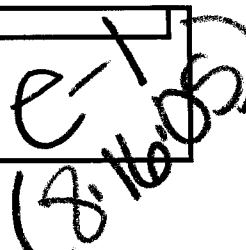
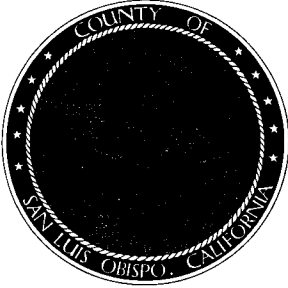


**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE August 16, 2005		(3) CONTACT/PHONE Karen Nall, Senior Planner (805) 781-5606	
(4) SUBJECT Request to authorize processing of Land Use Ordinance Amendments (Title 22 of the County Code) to further implement the Agriculture and Open Space Element, Agriculture Policy 6: Visitor Serving and Retail Commercial Use and Facilities and Agriculture Policy 31: Recreational Use of Agricultural Land) Supervisorial District No. All					
(5) SUMMARY OF REQUEST The Planning and Building Department and the Agricultural Commissioner's Office are requesting authorization to process amendments to the Land Use Ordinance (LUO). The proposed amendments are intended to continue implementation of Agriculture Policy 6: Visitor Serving and Retail Commercial Use and Facilities and Agriculture Policy 31: Recreational Use of Agricultural Lands in order to promote appropriate agricultural economic development opportunities.					
(6) RECOMMENDED ACTION Review and determine whether to authorize the processing of county-initiated amendments to the Land Use Ordinance, (Title 22 of the County Code), relating to the implementation of Agriculture and Open Space Element Policies 6 and 31.					
(7) FUNDING SOURCE(S) Department budgets		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
				(10) BUDGETED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> NO	
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Agriculture Department, Agricultural Liaison Board, Community Advisory Committees, County Public Works, CDF/County Fire, Environmental Health					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, <u>All</u>			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Board Business (Time Est. <u>30 min</u>)			(16) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW	
	
	



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: KAREN NALL, SENIOR PLANNER
MICHAEL ISENSEE, AGRICULTURAL RESOURCE SPECIALIST

VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WH*
BRENDA OUWERKERK, CHIEF DEPUTY AGRICULTURAL COMMISSIONER

DATE: AUGUST 16, 2005

SUBJECT: Request to authorize processing of Land Use Ordinance Amendments (Title 22 of the County Code) to further implement the Agriculture and Open Space Element, Agriculture Policy 6: *Visitor Serving and Retail Commercial Use and Facilities* and Agriculture Policy 31: *Recreational Use of Agricultural Land*) Supervisorial District No. All

RECOMMENDATION

Review and determine whether to authorize the processing of county-initiated amendments to the Land Use Ordinance, (Title 22 of the County Code), relating to the implementation of Agriculture and Open Space Element Policies 6 and 31.

DISCUSSION

The County adopted the Agriculture and Open Space Element in December 1998. Included in the Element are 34 agricultural policies. The County Agricultural Department assists the Planning and Building Department with the implementation of these agricultural policies. In the current fiscal year, the two departments are working together to further implement two specific policies:

- AG Policy 6: *Visitor Serving and Retail Commercial Use and Facilities* and
- AG Policy 31: *Recreational Use of Agricultural Lands*.

The Planning and Building and Agriculture Departments are requesting authorization to process amendments to the Land Use Ordinance (LUO) to reflect implementation of these policies. The text of these two policies is attached in Exhibits A and B.

In 2001, the Planning and Building and Agriculture Departments jointly sponsored amendments to the LUO for the inland portion of the county. These amendments were a partial

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implementation of AG Policy 6 specifically addressing promotion and regulation of the expanding winery industry and its desire for associated visitor serving and retail uses. The Board adopted these amendments to the LUO unanimously after a two-year facilitated outreach program.

Farmers and ranchers not associated with wineries have become increasingly interested in agricultural economic development opportunities to assist in sustaining their agricultural operations. The promotion of directly marketing agricultural products to the final consumer through roadside/farmstands, pick-your-own operations, nurseries, or farm stores is one mechanism growers are increasingly using. Another mechanism is agricultural tourism (or ag tourism), which encompasses a diverse range of activities including school or public tours, hayrides, crop mazes, petting zoos, on site bakeries and processed agricultural products, cattle drives, ranch and farm stays, and bed and breakfast facilities.

Continued implementation of Policies 6 and 31 of the Agriculture Element will assist in the promotion of economic diversification on farms and ranches through appropriate visitor serving, retail commercial, and recreational uses of agricultural lands. The existing language from these policies provides the context in which to craft guidelines, rules and/or regulations for these activities. The goal is to ensure that the LUO allows for appropriate direct marketing and agricultural tourism activities while protecting agricultural resources and operations, natural resources, public health and safety, and the county's rural character.

Staff Comments

This amendment request was initiated by the Agriculture Department and a request from the County's Agricultural Liaison Board, which passed two motions relating to this topic on May 24, 2005. The first was a motion to address agricultural tourism/farm direct marketing using a comprehensive approach that includes various interested parties. The second was a motion to request the Board of Supervisors to authorize amendments to the Land Use Ordinance to implement appropriate standards.

Amendments to the Land Use Ordinance will define and clarify appropriate accessory uses on agricultural lands which are beneficial to the agricultural industry and compatible with the sustainable use of the land. They will address such issues as:

- the processing and sale of agricultural products (other than wine grapes)
- agricultural homestays (as defined by Assembly Bill 1258, passed in 1999)
- the sale of farm products and value-added products from an enclosed structure (farm store)
- the sale of products not grown at or adjacent to a project site and the sale of nonagricultural products and
- better definition of appropriate standards for non-winery special events on agricultural lands.

A goal of farm operators attempting to diversify through farm direct marketing and agtourism is to simplify the LUO for such activities so as to more clearly define what uses are allowed, what standards must be met, and what level of review is necessary to address potential impacts.

OTHER AGENCY INVOLVEMENT

If these amendments are authorized for processing by your Board, the Planning and Building Department will work directly with the County Agriculture Department to host countywide listening sessions to gather input from citizens, growers, public interest organizations, advisory councils, and public agencies regarding issues, concerns, problems, expectations, opportunities and ideas relating to farm direct marketing and agtourism. These events are proposed for September of this year. A second phase will be the formation of an *ad hoc* committee comprised of members of the affected industries, agricultural organizations, citizen advisory committee representatives, and environmental organizations. The expectation is that this committee will develop a draft ordinance through a consensus process. Representatives of other relevant agencies and departments, including the Environmental Health Department and Public Works Department, will be used as resources during this process. The draft ordinance will be referred to all applicable agencies and advisory bodies and California Environmental Quality Act (CEQA) review will occur prior to public hearings at the Planning Commission and Board of Supervisors. Throughout the process, the Agricultural Liaison Board will receive regular updates and provide review.

FINANCIAL CONSIDERATIONS

The amendment will be processed under the current department budgets.

RESULT

Authorizing this amendment for processing will allow continued review and public hearings on these issues as county initiated amendments. These amendments will implement the County's existing General Plan policies for appropriate visitor serving, retail commercial and recreational uses on agricultural lands and meet the County's agricultural goals of supporting county agricultural production, conserving agricultural resources, protecting agricultural lands, and encouraging public education and participation.

EXHIBITS:

Exhibit A – Agriculture Policy 6: Visitor Serving and Retail Commercial Use and Facilities
Exhibit B – Agriculture Policy 31: Recreational Use of Agricultural Lands

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Exhibit A

Ag Policy 6: Visitor Serving and Retail Commercial Use and Facilities

- a. Allow limited visitor serving and incidental retail use and facilities in agricultural areas that are beneficial to the agricultural industry and farm operators and are compatible with long-term agricultural use of the land. Such uses shall be clearly incidental and secondary to the primary agricultural use of the site and shall comply with the performance standards in the LUO.
- b. Locate the visitor serving and incidental retail use off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses.

Discussion

This policy recognizes the increasing need of farmers and ranchers to diversify their on-site activities from production through the marketing of their agricultural products. On-site and area-specific promotion and marketing of local agricultural products can also enhance local tourism

Implementation

Both the LUE (Table 'O', Allowable Uses) and LUO allow a variety of uses accessory to agricultural operations, such as a winery tasting room, a bed-and-breakfast, or a restaurant. The accessory uses must be clearly incidental and secondary to the primary agricultural use of the site and must comply with performance standards in the ordinance. The types of uses and the effectiveness of the performance standards for their establishment should be monitored over time and, if necessary, future amendments proposed that will further enhance the agricultural operations by the establishment of accessory uses.

Handwritten signature or initials, possibly 'C/S' or 'C/S' with a checkmark, located in the bottom right corner of the page.

Exhibit B

Ag Policy 31: Recreational Use of Agricultural

- a. Encourage recreational uses on privately-owned lands on a case-by-case basis where such uses are compatible with on- and offsite agriculture and with scenic and environmentally sensitive resources.

Discussion

The county general plan has long encouraged owners of rural properties to establish recreational opportunities on their land where it is feasible and compatible with the agricultural and rural setting. This policy further recognizes that recreational uses can be an important part of the rural setting and should be developed so they are compatible with agricultural and environmental resources

Implementation

Ongoing through the CEQA review of development proposals that require a discretionary land use permit, and through information provided to land owners for their voluntary use as they establish uses that are either exempt from permit requirements or need only a ministerial permit from the county.

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